

FISCAL NOTE
SB 2772 - HB 3049

March 16, 2004

SUMMARY OF BILL: Prohibits possession of an open container of alcohol in the passenger area of a motor vehicle that is being operated. Current law prohibits possession or consumption by the driver only. Specifies that the passenger area does not include a locked glove compartment, the trunk, or the area behind the last upright seat if the vehicle does not have a trunk. Provides that violation is a Class C misdemeanor. Current law provides that such offense is punishable by fine only. Deletes current provision requiring law enforcement officer to issue citation in lieu of arrest unless person refuses to sign the citation. Specifies that provisions do not apply to persons who are passengers in a motor vehicle used to transport persons for compensation including a bus, taxicab or limousine or in the living quarters of a motor coach or motor trailer, camper, motor home or recreational vehicle. Deletes current provisions regarding ordinances of local governments with regard to open container provisions.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - \$26,000

Increase Local Govt. Expenditures - Not Significant

Increase Local Govt. Revenues - Not Significant

Other Fiscal Impact - To the extent the provisions of the bill meet federal "open container" requirements, the bill could prevent the transfer of approximately \$11.5 million in federal funds for FY 04-05 and subsequent years from road construction programs to highway safety programs.

Estimate assumes:

- the number of open container violations would double from 650 to 1,300 as a result of extending the offense to passengers.
- the average fine is \$40.
- state receives fines in accordance with TCA 55-10-303.
- clerks receive commission on fines collected
- by no longer limiting the punishment to fine only or requiring citation in lieu of arrest, local governments could experience a not significant increase in expenditures to confine offenders, as few offenders would be confined.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

